

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
Western District of Texas**

Case Number: 1:23-CV-858-DII

Plaintiff:

BOOK PEOPLE, INC., et al

vs.

Defendant:

**MARTHA WONG in her official capacity as chair of the Texas State
Library and Archives Commission, et al**

Received these papers on the 26th day of July, 2023 at 4:30 pm to be served on **MIKE MORATH in his official capacity as the Commissioner of the Texas Education Agency, Texas Education Agency, 1701 North Congress Avenue, Austin, Travis County, TX 78701.**

I, Vivian Smith, being duly sworn, depose and say that on the **28th day of July, 2023 at 9:25 am, I:**

delivered a true copy of this **Summons in a Civil Action and Original Complaint with Exhibits A through G and Civil Cover Sheet** to **MIKE MORATH in his official capacity as the Commissioner of the Texas Education Agency** by delivering in hand to, **ALEJANDRO DELAGO, Deputy Commissioner of Operations for TEA, at the address of Texas Education Agency, 1701 North Congress Avenue, Austin, Travis County, TX 78701,** having first endorsed upon such copy of such of such process the date of delivery.

Additional Information pertaining to this Service:

7/28/2023 9:25 am Attempted service at Texas Education Agency 1701 North Congress Aveue, Austin, TX 78701. I spoke with Deputy Commissioner, Alejandro Delgado who informed me that Mike Morath will not personally be available to accept service of process; however, he himself is authorized to accept service on behalf of the Commissioner and on behalf of the Texas Education Agency. I delivered the legal documents to Alejandro Delgado, Deputy Commissioner of Operations Texas Education Agency.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 28th day of July, 2023 by the affiant who is personally known to me.



Vivian Smith
PSC-12617, Exp. 5/31/2024


NOTARY PUBLIC

Our Job Serial Number: THP-2023004690
Ref: 2070377



AO 440 (Rev. 06/12) Summons in a Civil Action

RECEIVED

UNITED STATES DISTRICT COURT

JUL 26 2023

04:30 pm

for the

Western District of Texas

BOOK PEOPLE, INC., VBK, INC. d/b/a BLUE
WILLOW BOOKSHOP, AMERICAN BOOKSELLERS
ASSOCIATION, ASSOCIATION OF AMERICAN
PUBLISHERS, AUTHORS GUILD, INC., COMIC BO

Plaintiff(s)

v.

Civil Action No. 1:23-cv-858-DII

MARTHA WONG in her official capacity as chair of
the Texas State Library and Archives Commission,
KEVEN ELLIS in his official capacity as chair of the
Texas Board of Education, MIKE MORATH in his offi

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mike Morath in his official capacity as the Commissioner of the Texas Education
Agency
Texas Education Agency
1701 North Congress Ave.
Austin, TX 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Laura Lee Prather
laura.prather@haynesboone.com
Haynes and Boone, LLP
600 Congress Ave., Suite 1300
Austin, TX 78701
(512) 867-8400

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 07/26/2023



CLERK OF COURT PHILIP J. DEVLIN

Philip J. Devlin

Signature of Clerk or Deputy Clerk

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Civil Action No. 1:23-cv-858-DII

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Mike Morath in his official capacity as the
was received by me on (date) 7/26/2023 . Commissioner of the Texas Education Agency

- ☐ I personally served the summons on the individual at (place) _____
_____ on (date) _____ ; or
- ☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
_____ on (date) _____ ; or
- ☐ I returned the summons unexecuted because _____ ; or
- ☐ Other (specify): _____

RETURN / AFFIDAVIT
PROOF - ATTACHED

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: